

CLASSIFICATION OFFICE DECISION

Title of publication: VID-20170726-WA0002.mp4

Other known title(s): Not stated

OFLC ref: 1700464.000

Medium: Computer Moving Image File

Director: Not stated

Country of origin: Not stated

Language: Arabic

Applicant: Comptroller of Customs

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Excisions: No excisions recommended

Descriptive note: None

Display conditions: None

Date of entry in Register: 18 October 2017

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 18 October 2017

	Components	Running time
Timed component(s):	VID-20170726-WA0002.mp4	1:22
Total running time:		1:22

Summary of reasons for decision:

The clip depicts the real-life killing of two men by armed men in uniform somewhere in the Middle East. The events are presented in a matter-of-fact and neutral manner. Although the activity is without context the way it plays out elicits sympathy for the victims rather than admiration for, or understanding of, the killers' actions. Therefore the clip cannot be said to promote or support or tend to promote or support, acts of extreme violence and cruelty. Further, while the clip involves a high extent and degree of cruelty and the infliction of serious physical harm it is not presented in a manner that justifies a classification of objectionable. Consideration has also been given as to whether the clip promotes or encourages criminal or terrorist acts. The circumstances of the killings

are open to interpretation, one of which is that the killings are a terrorist act. However, in the absence of wider contextual information about the events, the purpose of the clip and its likely use, it cannot fairly be said that the clip promotes or encourages crime or acts of terrorism. However, a restriction on the availability of the clip is still required to prevent injury to the public good. Children and teenagers are likely to be highly shocked and disturbed by this material whereas adults are more likely to be able to view the clip for what it is – a record of two brutal killings – and will have the ability to objectively assess what they are watching. In this instance a restriction to adults is considered a reasonable limitation on the right to freedom of expression contained in the New Zealand Bill of Rights Act 1990 this instance.